

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

TROUT POINT LODGE, LIMITED,
A Nova Scotia Limited Company;
VAUGHN PERRET and
CHARLES LEARY,

Plaintiff,

Civil Action No.: 1:12-CV-90LG-JMR

v.

DOUG K. HANDSHOE,

Defendant.

* * * * *

MOTION FOR LEAVE OF COURT TO FILE REPLY MEMORANDUM

NOW INTO COURT, through undersigned counsel, comes defendant, Douglas K. Handshoe, who respectfully moves this Honorable Court for leave of court to file the attached Reply Memorandum to briefly address the arguments made by the plaintiffs in their Response to Defendant's Motion to Tax Attorney's Fees. The filing of this Reply Memorandum will not raise new issues and is intended solely to respond to arguments raised by the plaintiffs and not addressed in the plaintiff's original filing.

In addition, defendant notes that plaintiffs' opposition is untimely. According to United States District Court for the Southern District of Mississippi Local Rule 7(b)(4), "Counsel for respondent must, within **fourteen days after service of movant's motion and memorandum brief**, file a response and memorandum brief in support of the response." Further, as stated in Local Rule 3(E), "If a party fails to respond to any motion, other than a dispositive motion, within the time allotted, the court may grant the motion as unopposed." According to Federal Rule of Civil Procedure Rule 6(a),

(a) Computing Time. The following rules apply in computing any time period specified in these rules, in any local rule or court order, or in any statute that does not specify a method of computing time.

(1) *Period Stated in Days or a Longer Unit.* When the period is stated in days or a longer unit of time:

(A) exclude the day of the event that triggers the period;

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

Defendant's submitted his motion on September 10, 2013. Thus, plaintiffs' opposition is untimely, as it was submitted on September 25, 2013, 15 days after service of defendant's motion and memorandum. To the extent that this Honorable Court finds plaintiffs' opposition to be timely, or considers it as such, defendant requests leave of court to file this Reply Memorandum in order to address plaintiffs' arguments.

Respectfully submitted this 2nd day of
October, 2013

THE TRUITT LAW FIRM
A Limited Liability Company

S/Jack E. "Bobby" Truitt

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Counsel for defendant, Douglas Handshoe

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been duly served on all counsel of record by depositing same into the U.S. Mail, postage pre-paid, and/or by hand and/or by facsimile and/or by electronic means on October 2nd 2013.

S/Jack E. "Bobby" Truitt
